

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

RICHARD MCATEE,

Defendant.

MJ 24-70-M-KLD

ORDER

Defendant Richard McAtee has filed a motion requesting the issuance of a subpoena duces tecum for the production of documents before trial. (Doc. 19).

Rule 17 of the Federal Rules of Criminal Procedure governs subpoenas for the production of documents in a criminal case. Rule 17(c) provides in part: “A subpoena may order the witness to produce any books, papers, documents, data, or other objects the subpoena designates. The court may direct the witness to produce the designated items in court before trial or before they are to be offered in evidence.” Fed. R. Crim. P. 17(c)(1). A party requesting pretrial production must demonstrate:

(1) that the documents are evidentiary and relevant; (2) that they are not otherwise procurable reasonably in advance of trial by exercise of due diligence; (3) that the party cannot properly prepare for trial without such production and inspection in advance of trial and that the failure to obtain such inspection may tend unreasonably to delay the trial; and (4) that the

application is made in good faith and is not intended to as a general fishing expedition.

United States v. Garg, 2024 WL 37047, at *1 (W.D. Wash. Jan. 3, 2024) (quoting *United States v. Nixon*, 418 U.S. 683, 699-700 (1974)).

McAtee directs his proposed subpoena to Regional Forester Kristen Bail but does not identify what documents or other materials he wants Ms. Bail to produce. (Doc. 19-1). Because McAtee has not demonstrated that the requirements of Rule 17(c) are satisfied,

IT IS ORDERED that McAtee's Motion to Issue Subpoena Duces Tecum (Doc. 19) is DENIED.

DATED this 30th day of June, 2025.



Kathleen L. DeSoto
United States Magistrate Judge